

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CUONG HUY DAO,
Petitioner,

v.

J. ROBERTSON,
Respondent.

Case No. [19-cv-01074-WHO](#) (PR)

**ORDER DISSOLVING THE STAY
AND REOPENING THE ACTION;**

**ORDER DIRECTING PETITIONER
TO FILE AN AMENDED PETITION
BY NOVEMBER 15, 2021**

This federal habeas action was stayed at petitioner Dao's request so that he could exhaust claims in state court. (Dkt. No. 24.) Dao has filed a notice asking the stay to be dissolved and the action reopened. (Dkt. No. 25.) Accordingly, the stay is DISSOLVED and the action REOPENED. The Clerk shall modify the docket accordingly.

On or before **November 15, 2021**, Dao shall file an amended petition on this Court's form. The amended petition must include the caption and civil case number used in this order (19-01074 WHO (PR)) and the words FIRST AMENDED PETITION on the first page. Because an amended petition completely replaces the previous petitions, petitioner must include in his amended petition all the claims he wishes to present. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Any claims not raised in the amended petition will be deemed waived. Petitioner may not incorporate material from the prior petition by reference. Failure to file an amended petition in accordance with this order will result in dismissal of this action without further notice to petitioner.


It is petitioner's responsibility to prosecute this case. Petitioner must keep the Court informed of any change of address by filing a separate paper with the Clerk headed "Notice of Change of Address." He must comply with the Court's orders in a timely

1 fashion or ask for an extension of time to do so. Failure to comply may result in the
2 dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b).

3 In sum, on or before **November 15, 2021**, Dao must file an amended petition on
4 this Court's form. Failure to do so will result in the dismissal of this action for failure to
5 prosecute, *see* Federal Rule of Civil Procedure 41(b).

6 **IT IS SO ORDERED.**

7 **Dated:** September 22, 2021

8 
9 WILLIAM H. ORRICK
United States District Judge

United States District Court
Northern District of California